

## **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-40 in the application. In a previous response, the Applicants cancelled Claims 1-22. Currently, the Applicants have amended Claims 23, 24, 28 and 30-32 and have canceled Claims 25 and 33-40 without prejudice or disclaimer. No other claims have been amended, cancelled nor added. Accordingly, Claims 23-24 and 26-32 are currently pending in the application.

### **I. Rejection of Claims 23 and 25 under 35 U.S.C. §102**

The Examiner has rejected Claims 23 and 25 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,845,047 to Holloway, *et al.* ("Holloway"). Independent Claim 23 has currently been amended to include the claimed element that an oxide layer is formed over the channel, wherein the oxide and the substrate form an interface that is substantially stress free and planar. Holloway fails to disclose this newly claimed element.

Holloway, in contrast to the present invention, is directed to a threshold adjustment method for an IGFET. (Title). Holloway teaches that a threshold adjustment implant may be implanted through a gate insulator layer and a gate electrode layer to adjust the threshold of the device. As Holloway is directed mainly to the threshold adjustment, it fails to disclose the aforementioned stress

free planar interface between the gate oxide and the substrate. Accordingly, as previously mentioned, Holloway fails to disclose this element.

Therefore, Holloway does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

## **II. Rejection of Claim 33 under 35 U.S.C. §102**

The Examiner has rejected Claim 33 under 35 U.S.C. §102(b) as being anticipated by Holloway. Claim 33 has been cancelled without prejudice or disclaimer. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to this Claim.

## **III. Rejection of Claims 24 and 26-32 under 35 U.S.C. §103**

The Examiner has rejected Claims 24 and 26-32 under 35 U.S.C. §103(a) as being unpatentable over Holloway in view of U.S. Patent No. 6,288,425 to Adan ("Adan") and U.S. Patent No. 6,815,295 to Ueno, et al. ("Ueno"). As previously indicated, independent Claim 23 has currently been amended to include the claimed element that an oxide layer is formed over the channel, wherein the oxide and the substrate form an interface that is substantially stress free and planar. As also previously indicated, Holloway fails to disclose this newly claimed element. Holloway similarly fails to suggest this claimed element. Moreover, both Adan and Ueno fail to correct the deficiency of Holloway as both Adan and Ueno fail to teach or suggest this claimed element.

Thus, Holloway, individually or in combination with Adan and/or Ueno, fails to teach or suggest the invention recited in independent Claim 23 and its dependent claims, when considered as a whole. Claims 24 and 26-32 are therefore not obvious in view of Holloway, Adan and Ueno.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 24 and 26-32 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

#### **IV. Rejection of Claims 34-40 under 35 U.S.C. §103**

The Examiner has rejected Claims 34-40 under 35 U.S.C. §103(a) as being unpatentable over Holloway in view of Ueno. Claims 34-40 have been cancelled without prejudice or disclaimer. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103 rejection with respect to these Claims.

**V. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 23-24 and 26-32.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read 'G. Parker', is written over the printed name.

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